

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**KELLWIN ORLANDO GREEN,
(ID # 833953),**

Petitioner,

vs.

**WILLIAM STEPHENS, Director,
Texas Department of Criminal
Justice, Correctional Institutions Division,
Respondent.**

No. 3:03-CV-1424-K

RECOMMENDATION REGARDING CERTIFICATE OF APPEALABILITY

A Notice of Appeal has been filed in the above captioned action, accompanied by a *Motion to Issue a Certificate of Appealability*, received on April 14, 2015. (docs. 72,73.) Pursuant to Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c), it is recommended that

COA:

- ☐ a Certificate of Appealability should be GRANTED. (See issues set forth below).
☒ a Certificate of Appealability should be DENIED. (See reasons stated below).

REASONS FOR DENIAL: For the reasons stated in the Order Denying Motion Under Rule of Civil Procedure 60(b), alternatively, Construing Rule 60(b) Motion as a Successive Petition under 28 U.S.C. § 2254 and Order of Dismissal, filed on **March 18, 2015**, petitioner has failed to show (1) that reasonable jurists would find this Court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003);

DATED this 15th day of April, 2015.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE